

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

TIERRA BUTLER a/k/a	)	
AALIYAH AMMIYHUWD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 2:16-cv-527
	)	
ATTORNEY CHAD W. NALLY,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION AND ORDER**

This matter is before the Court on the "Petitioner/Plaintiff's Demand to Reopen Case and to Amend Notice of Removal with Memorandum of Law and Reinstatement of all Pleadings and Records Filed," filed by Plaintiff, Tiera Butler a/k/a/ Aaliyah Ammiyhuwd, on February 15, 2018 (DE #6). For the reasons set forth below, the motion (DE #6) is **DENIED**.

On October 24, 2016, Friendly Foot Care, P.C. filed a Notice of Claim against Tiera Butler in the Lake County Superior Court (Cause No. 45D08-1610-SC-4996). The action seeks judgment against Tiera Butler in the amount of \$440.06 plus costs, interest, and attorney fees accruing after October 12, 2016. Tiera Butler sought dismissal of that action, but the motion was denied. Ashashyerosh Adnah Ammiyhuwd ("Ammiyhuwd") then signed the "Notice of Filing Notice of Removal to District Court of the United States with Exhibits A, B, C and Other Pleadings," filed with this Court on Tiera Butler's behalf. (DE #1, hereinafter "notice of removal.")

In the notice of removal, Ammiyhuwd indicates that Butler is providing notice of removal of the action pending in the Lake Superior Small Claims Court under cause number 45D08-1610-SC-4996. Additionally, Ammiyhuwd signed a non-prisoner request to proceed in district court without prepaying the filing fee (hereinafter "IFP petition"), filed on Tiera Butler's behalf.<sup>1</sup>

Although this is a little unclear, because sometimes Tiera Butler refers to Ammiyhuwd as "her next friend" or "agent," it seems as though these are the same person, because Butler articulates that she has "corrected her name to her spiritual and Biblical Hebrew name, Aaliayah Ammiyhuwd." (DE #6 at 1, 10.) Anyway, Butler indicates that she thinks this case should have been remanded back to the Lake County Superior Court after this Court's January 13, 2017 order (DE #4). However, this Court specifically found that "a review of the docket in 45D08-1610-SC-4996 reveals that the instant filing did not, from the Lake County Superior Court's perspective, effectuate removal." (DE #4 at 3.) Because it did not effectuate removal, there was no need to remand the case. It is evident from Butler's current motion that the case did indeed continue against her in Lake County Superior Court, as she details the default judgment that was entered against her in February 2017, the motion to vacate, and the petition to transfer

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<sup>1</sup>While Butler claims in this motion that she "never [filed] any motion/petition to proceed in 'FORMA PAUPERIS,'" (DE #6 at 5), she filed a "Non-Prisoner Request to Proceed in District Court Without Prepaying the Filing Fee," (DE # 2), which this Court indicated in its order would be referenced as the IFP petition (DE #4 at 2).

which was denied by the state court in 2018. (DE #6 at 5-7.)

Butler waited more than a year after this Court's January 2017 order to move to reopen this case. A remand was not necessary because Butler never effectuated removal, and the case did continue in Lake County Superior Court. Butler fails to provide this Court with any on-point legal citations or any relevant law in support of reopening this case. As such, the Motion to Reopen (DE #6) is **DENIED**.

**DATED: April 3, 2018**

**/s/ RUDY LOZANO, Judge  
United States District Court**